

Hunton Andrews Kurth LLP
550 South Hope Street, Suite 2000
Los Angeles, California 90071-2627

HUNTON ANDREWS KURTH LLP

Brandon Marvisi (SBN 329798)
bmarvisi@HuntonAK.com
550 South Hope Street, Suite 2000
Los Angeles, California 90071-2627
Telephone: (213) 532-2000
Facsimile: (213) 532-2020

George P. Sibley, III (admitted *pro hac vice*)
gsibley@HuntonAK.com
Kevin S. Elliker (*pro hac vice* forthcoming)
951 East Byrd Street
Richmond, Virginia 2321
Telephone: (804) 788-8200
Facsimile: (804) 788-8218

Andrew J. Turner (admitted *pro hac vice*)
Todd S. Mikolop (admitted *pro hac vice*)
2200 Pennsylvania Avenue NW
Washington, DC 20037
Telephone: (202) 955-1658
Facsimile: (202) 778-2201

Attorneys for Plaintiff
BLUETRITON BRANDS, INC.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION – RIVERSIDE**

BLUETRITON BRANDS, INC.,

Plaintiff,

v.

UNITED STATES FOREST SERVICE,
et al.,

Defendants.

Case No. 2:24-cv-09720-JGB-DTB

**STIPULATION REGARDING
PLAINTIFF BLUETRITON BRANDS,
INC.'S MOTION FOR
PRELIMINARY INJUNCTION**

2:24-CV-09720-JGB-DTB

STIPULATION REGARDING PLAINTIFF BLUETRITON BRANDS, INC.'S
MOTION FOR PRELIMINARY INJUNCTION

STIPULATION

Plaintiff BlueTriton Brands, Inc. (“BlueTriton”) and Defendants United States Forest Service, *et al.* (“USFS”), by and through their undersigned counsel of record, hereby stipulate as follows:

WHEREAS, on August 6, 2024, BlueTriton filed a Complaint in the United States District Court for the District of Columbia (Case No. 1:24-cv-02302) to seek judicial review of the USFS’s denial of BlueTriton’s application for a renewal of a special use permit that grants BlueTriton a right-of-way for a pipeline and associated infrastructure for the transport of water BlueTriton has collected for decades from Arrowhead Springs in Strawberry Canyon in the San Bernardino National Forest;

WHEREAS, on August 6, 2024, BlueTriton filed a Motion for a Preliminary Injunction (the “Motion”), which was fully briefed, including the submission of two amicus briefs by non-parties. *See* ECF Nos. 2, 15, 19, 22, 23, 26, 27, 34;

WHEREAS, in its briefing, BlueTriton noted that one category of irreparable harm involved the substantial cost of removing the existing pipeline infrastructure, which, under the terms of the USFS denial order, BlueTriton believes it may be forced to incur before this court can rule on the merits of BlueTriton’s challenge;

WHEREAS, after BlueTriton filed the Motion, USFS agreed to suspend its denial order insofar as it related to deliveries of water to the San Manuel Band of Mission Indians until January 15, 2025;

WHEREAS, USFS has not yet directed BlueTriton to implement the decommissioning plan and incur the substantial cost to do so;

WHEREAS, on August 28, 2024, USFS moved to transfer the case to the United States District Court for the Central District of California, which was granted on October 23, 2024;

WHEREAS, BlueTriton has requested a further extension of the suspension of USFS’s denial order;

1 WHEREAS, absent an extension of the denial order and agreement by USFS to
2 forebear any order to implement the decommissioning plan before the conclusion of
3 this litigation, BlueTriton submits it will suffer irreparable harm, starting as early as
4 January 16, 2025;

5 WHEREAS, counsel for BlueTriton and counsel for Defendants have conferred
6 regarding the most efficient way to present BlueTriton's Motion to this Court and both
7 sides agree that the Court should consider the Motion on the existing briefing; and

8 WHEREAS, BlueTriton submits that supplemental briefs, not to exceed 1000
9 words filed on or before January 3, addressing any differences between D.C. Circuit
10 and Ninth Circuit authority and updating the court on developments since the close of
11 briefing in the transferee court would be useful for this Court; USFS submits that
12 supplemental briefs are unnecessary;

13 NOW, THEREFORE, the parties respectfully stipulate and request that the
14 Court consider the Motion on the existing briefing and any supplemental briefing the
15 Court may order the parties to submit and hold any hearing on the Motion no later
16 than on January 13, 2025. No later than December 17, 2024, counsel for BlueTriton
17 will prepare and submit to the Court a courtesy copy of all briefs, including exhibits,
18 filed by any party in relation to the Motion in the transferee court in three-ring binders
19 in the format those papers were submitted to the transferee court.

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1 IT IS SO STIPULATED.

2
3 Dated: December 13, 2024

HUNTON ANDREWS KURTH LLP

4
5 By: /s/ Brandon Marvisi
6 Brandon Marvisi
7 Attorneys for Plaintiff
8 BLUETRITON BRANDS, INC.

9 Dated: December 13, 2024

US DEPARTMENT OF JUSTICE

10
11 By: /s/ Tyler McVeigh Alexander
12 Tyler McVeigh Alexander
13 Maggie Woodward
14 Attorneys for Defendants
15 UNITED STATES FOREST
16 SERVICE, *et al.*

17
18 **ATTESTATION**

19
20 I hereby attest that each of the other signatories concurs in the filing of this
21 document.

22
23 Dated: December 13, 2024

24 By: /s/ Brandon Marvisi
25 Brandon Marvisi
26
27
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